

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-02071-CKK**

CITIZENS FOR RESPONSIBILITY AND ETHICS IN
WASHINGTON v. GENERAL SERVICES
ADMINISTRATION
Assigned to: Judge Colleen Kollar-Kotelly
Cause: 05:552 Freedom of Information Act

Date Filed: 09/04/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**CITIZENS FOR RESPONSIBILITY
AND ETHICS IN WASHINGTON**

represented by **Nikhel Sus**
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V.

Defendant

**GENERAL SERVICES
ADMINISTRATION**

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Date Filed	#	Docket Text
09/04/2018	<u>1</u>	COMPLAINT against GENERAL SERVICES ADMINISTRATION (Filing fee \$ 400 receipt number 0090-5670096) filed by CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons GSA, # <u>3</u> Summons Attorney General, # <u>4</u> Summons U.S. Attorney)(Weismann, Anne) (Entered: 09/04/2018)
09/04/2018	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON (Weismann, Anne) (Entered: 09/04/2018)

09/04/2018		Case Assigned to Judge Colleen Kollar-Kotelly. (zsth) (Entered: 09/05/2018)
09/05/2018	<u>3</u>	SUMMONS (3) Issued Electronically as to GENERAL SERVICES ADMINISTRATION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zsth) (Entered: 09/05/2018)
09/07/2018	<u>4</u>	ORDER ESTABLISHING PROCEDURES FOR CASES ASSIGNED TO JUDGE COLLEEN KOLLAR-KOTELLY. Signed by Judge Colleen Kollar-Kotelly on 09/07/18. (DM) (Entered: 09/07/2018)
09/17/2018	<u>5</u>	NOTICE of Appearance by Nikhel Sus on behalf of CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON (Sus, Nikhel) (Main Document 5 replaced on 9/20/2018) (ztd). (Entered: 09/17/2018)
09/18/2018	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 9/14/2018. Answer due for ALL FEDERAL DEFENDANTS by 10/14/2018. (Weismann, Anne) (Entered: 09/18/2018)
09/18/2018	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. GENERAL SERVICES ADMINISTRATION served on 9/13/2018 (Weismann, Anne) (Entered: 09/18/2018)
09/18/2018	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 9/14/18. (Weismann, Anne) (Entered: 09/18/2018)
10/10/2018	<u>9</u>	NOTICE of Appearance by William Mark Nebeker on behalf of GENERAL SERVICES ADMINISTRATION (Nebeker, William) (Entered: 10/10/2018)
10/16/2018		MINUTE ORDER: Plaintiff perfected service on Defendant on September 14, 2018. A government agency has thirty days from the date of service to answer a FOIA Complaint. 5 U.S.C.A. § 522(a)(4)(C). Defendant's Answer was due October 14, 2018. As of this date, the Court has not received Defendant's Answer. The Court ORDERS Defendant to file an Answer by OCTOBER 19, 2018. Signed by Judge Colleen Kollar-Kotelly on 10-16-2018. (lcckk3) (Entered: 10/16/2018)
10/17/2018	<u>10</u>	ANSWER to Complaint by GENERAL SERVICES ADMINISTRATION.(Nebeker, William) (Entered: 10/17/2018)
10/18/2018	<u>11</u>	ORDER. Signed by Judge Colleen Kollar-Kotelly on 10/18/2018. (lcckk3) (Entered: 10/18/2018)
10/18/2018	<u>12</u>	NOTICE <i>Regarding Service</i> by GENERAL SERVICES ADMINISTRATION (Nebeker, William) (Entered: 10/18/2018)
10/18/2018		Set/Reset Deadlines: Joint Status Report due by 11/8/2018. (dot) (Entered: 10/22/2018)
11/08/2018	<u>13</u>	Joint STATUS REPORT by GENERAL SERVICES ADMINISTRATION. (Nebeker, William) (Entered: 11/08/2018)
11/08/2018		MINUTE ORDER: The Court is in receipt of the parties' <u>13</u> Joint Status Report. The parties report that Defendant is presently reviewing the resulting records found during the search conducted pursuant to Plaintiff's FOIA request. Defendant's search recovered over 4,000 potentially responsive pages. Defendant anticipates producing responsive, non-exempt records by November 30, 2018. After releasing the records, Plaintiff will need time to review the records and to engage in discussions with Defendant, should any issues be unresolved. Accordingly, the court ORDERS the parties to file a Joint Status Report by DECEMBER 14, 2018, advising the Court whether further proceedings, including briefing, are warranted. If briefing is required, the parties are ordered to propose a briefing schedule in their Joint Status Report. Signed by Judge Colleen Kollar-Kotelly on 11/8/2018. (lcckk3) (Entered: 11/08/2018)
11/08/2018		Set/Reset Deadlines: Joint Status Report due by 12/14/2018, advising the Court whether further proceedings, including briefing, are warranted. (dot) (Entered: 11/13/2018)

11/13/2018	<u>14</u>	NOTICE of Change of Address by Nikhel Sus (Sus, Nikhel) (Entered: 11/13/2018)
12/14/2018	<u>15</u>	Joint STATUS REPORT by GENERAL SERVICES ADMINISTRATION. (Nebeker, William) (Entered: 12/14/2018)
12/17/2018		MINUTE ORDER: The Court is in receipt of the parties' <u>15</u> Joint Status Report. The parties report that Defendant has reviewed the records relating to Plaintiff's FOIA request but has withheld the responsive records in full pursuant to multiple FOIA exemptions. The parties are continuing to discuss ways to narrow the issues to be litigated or to eliminate the need for briefing altogether. Accordingly, the Court sets the following schedule. The parties are ORDERED to file another Joint Status Report on JANUARY 25, 2019, informing the Court of the parties' status on narrowing the issues for litigation. If required, the Court further ORDERS Defendant to file its motion for summary judgment by FEBRUARY 11, 2019 and Plaintiff to file its opposition to Defendant's motion and cross-motion for summary judgment by MARCH 4, 2019. The Court further ORDERS that Defendant file its combined reply and opposition by MARCH 25, 2019, and that Plaintiff file its reply by APRIL 8, 2019. Should the parties succeed in resolving this matter prior to the above-proposed deadlines, they are ORDERED to promptly advise the Court. Signed by Judge Colleen Kollar-Kotelly on 12/17/2018. (lcckk3) (Entered: 12/17/2018)
12/17/2018		Set/Reset Deadlines: Plaintiff's Cross Motion due by 3/4/2019. Response to Cross Motion due by 3/25/2019. Reply to Cross Motion due by 4/8/2019. Defendant's Summary Judgment Motion due by 2/11/2019. Response to Motion for Summary Judgment due by 3/4/2019. Reply to Motion for Summary Judgment due by 3/25/2019. (dot) (Entered: 12/18/2018)
01/25/2019	<u>16</u>	Unopposed MOTION to Stay (<i>Defendant's Motion to Stay Proceedings in Light of Lapse in Appropriations</i>) by GENERAL SERVICES ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 01/25/2019)
01/28/2019		MINUTE ORDER: The court is in receipt of Defendant's <u>16</u> Unopposed Motion to Stay Proceedings in Light of Lapse in Appropriations. Defendant requests a Stay based on the lapse of appropriations to the Department of Justice. But, as appropriations to the Department have now been restored for at least three weeks, Defendant's motion to Stay is DENIED. Defendant also requests an extension on its deadline for filing its Joint Status Report, which was due on January 25, 2019. Defendant's motion for an extension is GRANTED. The parties are ORDERED to file a Joint Status Report by FEBRUARY 8, 2019, indicating how the parties intend to proceed and proposing a briefing schedule if necessary. Signed by Judge Colleen Kollar-Kotelly on 1/28/2019. (lcckk3) (Entered: 01/28/2019)
01/28/2019		Set/Reset Deadlines: Joint Status Report due by 2/8/2019, indicating how the parties intend to proceed and proposing a briefing schedule if necessary. (dot) (Entered: 01/29/2019)
02/08/2019	<u>17</u>	Joint STATUS REPORT by CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON. (Sus, Nikhel) (Entered: 02/08/2019)
02/08/2019		MINUTE ORDER: The court is in receipt of the parties' <u>17</u> Joint Status Report. The parties have conferred and propose a briefing schedule to resolve Defendant's determination that any material responsive to Plaintiff's request is exempt from FOIA. The Court ORDERS Defendant to file its Motion for Summary Judgment by MARCH 28, 2019, Plaintiff to file its Opposition and any Cross-Motion for Summary Judgment by APRIL 29, 2019, Defendant to file its Reply and Response to Plaintiff's Cross-Motion by MAY 23, 2019, and Plaintiff to file any Reply by JUNE 17, 2019. Signed by Judge Colleen Kollar-Kotelly on 2/8/2019. (lcckk3) (Entered: 02/08/2019)
02/08/2019		Set/Reset Deadlines: Defendant's Summary Judgment Motion due by 3/28/2019. Response to Motion for Summary Judgment due by 4/29/2019. Reply to Motion for Summary Judgment due by 5/23/2019. Plaintiff's Cross Motion for Summary Judgment due by 4/29/2019. Response to Cross Motion for Summary Judgment due by 5/23/2019. Reply to Cross Motion for Summary Judgment due by 6/17/2019. (dot) (Entered: 02/11/2019)
03/28/2019	<u>18</u>	MOTION for Judgment on the Pleadings , MOTION to Dismiss , MOTION for Summary Judgment by GENERAL SERVICES ADMINISTRATION (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Declaration Lewis, # <u>4</u> Exhibit Vaughn Index, # <u>5</u> Text

		of Proposed Order)(Nebeker, William) (Entered: 03/28/2019)
04/29/2019	<u>19</u>	Cross MOTION for Summary Judgment by CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Statement of Facts, # <u>10</u> Text of Proposed Order)(Sus, Nikhel) (Entered: 04/29/2019)
04/29/2019	<u>20</u>	Memorandum in opposition to re <u>18</u> MOTION for Judgment on the Pleadings MOTION to Dismiss MOTION for Summary Judgment filed by CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Statement of Facts)(Sus, Nikhel) (Entered: 04/29/2019)
05/17/2019	<u>21</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>18</u> MOTION for Judgment on the Pleadings MOTION to Dismiss MOTION for Summary Judgment , <u>19</u> Cross MOTION for Summary Judgment by GENERAL SERVICES ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 05/17/2019)
05/20/2019		MINUTE ORDER: The court is in receipt of Defendant's <u>21</u> Unopposed Motion for an Enlargement of Time, and Memorandum in Support Thereof. This is Defendant's first Motion for an extension of time. Defendant's Opposition to Plaintiff's Cross-Motion for Summary Judgment and Reply to Plaintiff's Opposition to Defendant's Motion is currently due May 23, 2019. Defendant requests an extension of time due to the responsibilities in several other litigation matters. Defendant's Motion is GRANTED. Defendant's Opposition to Plaintiff's Cross-Motion for Summary Judgment and Reply to Plaintiff's Opposition to Defendant's Motion is due JUNE 12, 2019. The Court further ORDERS that Plaintiff's Reply is now due JULY 8, 2019. The Court expects no further requests for extensions due to other litigation commitments. Signed by Judge Colleen Kollar-Kotelly on 5/20/2019. (lcckk3) (Entered: 05/20/2019)
05/20/2019		Set/Reset Deadlines: Defendant's Opposition to Plaintiff's Cross-Motion for Summary Judgment and Reply to Plaintiff's Opposition to Defendant's Motion is due 6/12/2019. Plaintiff's Reply due 7/8/2019. (dot) (Entered: 05/21/2019)
06/12/2019	<u>22</u>	Memorandum in opposition to re <u>19</u> Cross MOTION for Summary Judgment filed by GENERAL SERVICES ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 06/12/2019)
06/12/2019	<u>23</u>	REPLY to opposition to motion re <u>18</u> MOTION for Judgment on the Pleadings MOTION to Dismiss MOTION for Summary Judgment (<i>same as ECF NO. 22</i>) filed by GENERAL SERVICES ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 06/12/2019)
07/08/2019	<u>24</u>	REPLY to opposition to motion re , <u>19</u> Cross MOTION for Summary Judgment filed by CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON. (Attachments: # <u>1</u> Exhibit 1)(Sus, Nikhel) Modified on 7/9/2019 (ztd). (Entered: 07/08/2019)
07/29/2019	<u>25</u>	ORDER denying without prejudice <u>18</u> Motion for Judgment on the Pleadings, Motion to Dismiss, and Motion for Summary Judgment; and granting in part and denying without prejudice in part <u>19</u> Motion for Summary Judgment. Signed by Judge Colleen Kollar-Kotelly on 7-29-2019. (lcckk3) (Entered: 07/29/2019)
07/29/2019	<u>26</u>	MEMORANDUM OPINION. Signed by Judge Colleen Kollar-Kotelly on 7-29-2019. (lcckk3) (Entered: 07/29/2019)
07/29/2019		Set/Reset Deadlines: Defendant to file a Status Report prior to 9/5/2019, informing theCourt as to why the deadline cannot be met and proposing a new deadline. (dot) (Entered: 07/30/2019)
09/09/2019	<u>27</u>	Joint STATUS REPORT by GENERAL SERVICES ADMINISTRATION. (Nebeker, William) (Entered: 09/09/2019)
09/09/2019		MINUTE ORDER: The court is in receipt of the parties' <u>27</u> Joint Status Report. Defendant indicates that it has completed a new search for responsive records which returned about 30,000 pages of potentially responsive documents. Defendant intends to

		search this set of materials by subject to ensure that it is relevant to Plaintiff's FOIA request. The parties agree that the search terms to be used to locate responsive materials are any of the following terms: "FBI," "Federal Bureau of Investigation," "Hoover," "Wray," "Rosenstein," or "Deputy AG." By September 27, 2019, Defendant will process at least 1,000 of the responsive pages and provide an initial release of documents. Defendant will also provide Plaintiff with details of its processing efforts. The parties are ORDERED to file a further Joint Status Report by OCTOBER 3, 2019, proposing further deadlines in this case, including deadlines for production, and, if necessary, further summary judgment briefing. Signed by Judge Colleen Kollar-Kotelly on 9-9-2019. (lcckk3) (Entered: 09/09/2019)
09/09/2019		Set/Reset Deadlines: Joint Status Report due by 10/3/2019, proposing further deadlines in this case, including deadlines for production, and, if necessary, further summary judgment briefing. (dot) (Entered: 09/10/2019)
10/01/2019	<u>28</u>	MOTION for Extension of Time to <i>Complete Processing of Certain Records</i> by GENERAL SERVICES ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 10/01/2019)
10/01/2019		MINUTE ORDER: The court is in receipt of Defendant's <u>28</u> Motion for an Enlargement of Time, and Memorandum in Support Thereof. Defendant indicates that it requires an extension of ten days in order to complete the processing of 8 of the 1000 pages of materials that it had indicated a willingness to process by September 29, 2019. This extension is required so that the relevant documents can be reviewed by the Office of the White House. Defendant indicates that Plaintiff opposes an extension. The Court ORDERS Plaintiff to file a Response by noon on OCTOBER 2, 2019 indicating why an extension should not be granted so that the Office of the White House can complete its review of the documents. If no Response is filed, the Court will grant the extension. Signed by Judge Colleen Kollar-Kotelly on 10-1-2019. (lcckk3) (Entered: 10/01/2019)
10/01/2019	<u>29</u>	Memorandum in opposition to re <u>28</u> MOTION for Extension of Time to <i>Complete Processing of Certain Records</i> filed by CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON. (Sus, Nikhel) (Entered: 10/01/2019)
10/02/2019		MINUTE ORDER: The court is in receipt of Defendant's <u>28</u> Motion for an Enlargement of Time, and Memorandum in Support Thereof. The Court has also considered Plaintiff's <u>29</u> Opposition to Defendant's Motion for Enlargement of Time. On September 9, 2019, based on the parties' agreed upon schedule, the Court ordered Defendant to process at least 1,000 responsive pages and provide an initial release of documents by September 27, 2019. When it became clear that Defendant would be unable to meet this deadline due to the Office of the White House's review of eight pages of documents, Defendant should have moved for an extension rather than waiting for prompting from Plaintiff's counsel. Despite Defendant's failure to properly move for an extension, the Court GRANTS Defendant's Motion. The Court ORDERS that Defendant shall complete the processing of the remaining pages and provide an initial release of documents by OCTOBER 11, 2019. If the Office of the White House has not completed its review of the eight pages of documents by October 11, 2019, Defendant SHALL release the eight pages to Plaintiff. By October 11, 2019, the Office of the White House will have had the eight pages of documents since September 19, 2019, for a total of 22 days. The Court finds that 22 days provides more than sufficient time to review eight pages of documents. Signed by Judge Colleen Kollar-Kotelly on 10-2-2019. (lcckk3) (Entered: 10/02/2019)
10/03/2019	<u>30</u>	Joint STATUS REPORT by GENERAL SERVICES ADMINISTRATION. (Nebeker, William) (Entered: 10/03/2019)
10/03/2019	<u>31</u>	Joint STATUS REPORT by GENERAL SERVICES ADMINISTRATION. (Nebeker, William) (Entered: 10/03/2019)
10/03/2019		MINUTE ORDER: The court is in receipt of the parties' [30, 31] Joint Status Report. The parties report that Defendant has completed its search of records and will be able to review the remaining 29,000 pages within the next 60 calendar days and make productions to Plaintiff accordingly. The Court ORDERS the parties to file another Joint Status Report by DECEMBER 13, 2019 indicating how the parties would like to proceed. Signed by Judge Colleen Kollar-Kotelly on 10-3-2019. (lcckk3) (Entered: 10/03/2019)

10/03/2019		Set/Reset Deadlines: Joint Status Report due by 12/13/2019, indicating how the parties would like to proceed. (dot) (Entered: 10/04/2019)
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